

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
NICOLE BROECKER, *et al.*, on behalf of
themselves and all other similarly situated
employees of the New York City Department of
Education,

Plaintiffs,

-against-

NEW YORK CITY DEPARTMENT OF
EDUCATION, *et al.*,

Defendants.
-----X

INDEX NO. 21-cv-6387

**AFFIRMATION OF AUSTIN
GRAFF IN OPPOSITION TO
THE DEFENDANTS'
MOTIONS TO DISMISS**

AUSTIN GRAFF, an attorney admitted to practice law before this Court, who is not a party to this Action, affirmed to be true under penalties of perjury says:

1. I am associated with The Scher Law Firm, LLP, the attorneys for the Plaintiffs, in the above-entitled Action, and am familiar with the relevant facts and circumstances surrounding the allegations that comprise this litigation based upon the records maintained by my office regarding this matter. I submit this Affirmation in opposition to the Defendants' Motions to Dismiss.

2. The Plaintiffs rely upon the following exhibits in opposition to the Defendants' Motions:

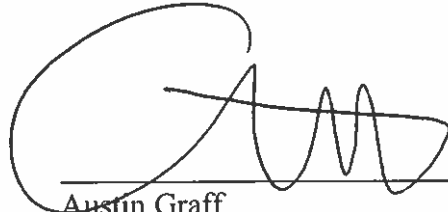
- (a) **Exhibit A** is a copy of appeal decisions by Scheinman;
- (b) **Exhibit B** is a copy of information about and appeal decisions by Barry Peek;
- (c) **Exhibit C** is a copy of information about and appeal decisions by Daniel McCray;
- (d) **Exhibit D** is a copy of information about and appeal decisions by Robert A. Grey; and
- (e) **Exhibit E** is a copy of information about and appeal decisions by David J. Reilly;

- (f) **Exhibit F** is a copy of information about and appeal decisions by Julie A. Torrey; and
- (g) **Exhibit G** are copies of notifications from the New York State Department of Labor determining that several DOE employees were terminated for misconduct.

3. For the reasons argued in the accompanying Memorandum of Law, the Defendants' Motions should be denied.

WHEREFORE, the Plaintiffs respectfully request that the Court deny the Defendants' Motions, as well as such other and further relief as may be just and proper.

Dated: Carle Place, New York
May 9, 2022



Austin Graff